IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4792 OF 2007

Saket Towers Co-op. Housing
Societies Limited.. .. Petitioner

versus

The Divisional Joint
Registrar & others ..... Respondent.

Shri Ambar Joshi for the petitioner.
Ms. V.S.Mhaispurkar AGP for Respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 4TH JULY, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. An inspection under section 89-A of the Co-operative Societies Act was caused and the inspection report reveals some short comings in the administration and affairs of the society. Hence a show cause notice came to be issued under section 78 proposing to supersede the elected managing committee members of the society. Show cause notice was replied. However, not being satisfied by the reply the Deputy Registrar passed an order superseding the managing committee under section 78(1)(a)(ii). The

Dy. Registrar proceeded to appoint an administrator in place of the managing committee.

3. The grievance of the society is that there is absolutely no justification for taking an action under section 78. A grievance is also made that the order of supersession of the managing committee was not served on the society.

4. Aggrieved by the impugned order of supersession dated 23-4-2007, an appeal came to be filed under section 152 of the Co-operative Societies Act before the Dvl. Joint Registrar. Along with the appeal, an application seeking stay of the impugned order was also filed. The appeal and the application, claiming interim relief has been filed on 10-5-2007. The learned counsel for the petitioner submits that inspite of repeated request being made, the appellate authority, is not even hearing the application claiming the interim relief and the same has caused utmost prejudice to the society and the superseded members of the managing committee. This court by an order dated 22-6-2007 had directed that if the administrator had not taken charge till the date of the passing of the order, he shall not take charge till 5th July 2007. The learned counsel for the petitioner submits that the administrator has yet not

taken charge of the affairs of the society. A limited prayer is made and the same is to the effect that the application filed along with the memo of appeal seeking interim relief needs to be heard expeditiously and the appellate authority need to pass an order on the said application. The learned AGP appearing for the respondent nos. 1 and 2 submits that the respondent no.1 will decide the said application within a reasonable period, as directed by this court. The learned counsel for the petitioner submits that the matter is listed before the respondent no.1 on 12th July 2007 on which date the petitioner would produced a copy of the order passed by this court in this petition. I am of the clear view that in the facts of the present case, the respondent no.1 needs to decide the said application claiming interim relief as expeditiously as possible. Hence writ petition is partly allowed. Respondent no.1 is directed to decide the application claiming interim relief within a period of two weeks from today. Till then parties shall maintain statusquo as of today.

5. Rule made absolute in the above terms.

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